

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.
87647.98R199

Serial No.
Not Yet Known

Filing Date
Herewith

Patent No.

Issue Date

Applicant/
Patentee: Bailey et al.

Invention: **FOOD AND VITAMIN PREPARATIONS CONTAINING THE NATURAL ISOMER OF
REDUCED FOLATES** (U.S. National Stage of PCT/US97/01870, filed January 31, 1997)

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: South Alabama Medical Science Foundation

ADDRESS OF ORGANIZATION: P.O. Box U-1060
Mobile, AL 36688
TYPE OF NONPROFIT ORGANIZATION:

- ☐ University or other Institute of Higher Education
- ☒ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America
Name of State: _____ Citation of Statute: _____
- ☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America
Name of State: _____ Citation of Statute: _____

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Garold G. Breit

TITLE IN ORGANIZATION:

Director

ADDRESS OF PERSON SIGNING:

South Alabama Medical Science FoundationP.O. Box U-1060Mobile, Alabama 36688

SIGNATURE: _____

DATE: _____

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12/97)
Approved for use through 9/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)))	Attorney Docket Number	87647.98R199
	First Named Inventor	Bailey
	COMPLETE IF KNOWN	
	Application Number	/
	Filing Date	
	Group Art Unit	
	Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FOOD AND VITAMIN PREPARATIONS CONTAINING THE NATURAL ISOMER
OF REDUCED FOLATES**

the specification of which

(Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

01/31/1997

as United States Application Number or PCT International

Application Number

PCT/US97/01870

and was amended on (MM/DD/YYYY)

03/27/1998

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above:

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application	Foreign Filing Date	Priority	Certified Copy Attached?	
			YES	NO
none		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/010,898	01/31/1996	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION ---- Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/01870	01/31/1997	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transmit all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

☒ OR

Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar Code
Label here

Name	Registration Number	Name	Registration Number
Susan J. Braman	34,103		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner information sheet PTO/SB/02C attached hereto.

Direct all correspondence ☐ Customer Number or Bar ☐ OR ☒ Correspondence address below

Name	Susan J. Braman				
Address	Jaeckle Fleischmann & Mugel, LLP				
Address	39 State Street				
City	Rochester	State	NY	ZIP	14614-1310
Country	US	Telephone	716-262-3640	Fax	716-262-4133

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))		Family Name or Surname					
Steven W.		Bailey					
Inventor's	Steven W. Bailey			Date	28 July 98		
Residence: City	Mobile	State	AL	Country	US	Citizenship	US
Post Office Address	Pharmacology Department, 3130 MSB; College of Medicine						
Post Office Address	University of South Alabama						
City	Mobile	State	AL	ZIP	36688	Country	US

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached

Please type a plus sign (+) inside this box → ☐

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 1 of 1

Name of Additional Joint Inventor, if any:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

June E.

Ayling

Inventor's

June E. - Ayling

Date

*July 27
1998*

Residence: City

Mobile

State

AL

Country

US

Citizenship

US

Post Office Address

Pharmacology Department, 3130 MSB; College of Medicine

Post Office Address

University of South Alabama

City

Mobile

State

AL

ZIP

36688

Country

US

Name of Additional Joint Inventor, if any:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Inventor's

Date

Residence: City

State

Country

Citizenship

Post Office Address

Post Office Address

City

State

ZIP

Country

Name of Additional Joint Inventor, if any:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Post Office Address

Post Office Address

City

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JANUARY 15, 1999

PTAS

JAECKLE FLEISCHMANN & MUGEL, LLP
SUSAN J. BRAMAN
39 STATE STREET
ROCHESTER, NY 14614-1310

100835602A

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RECORDATION DATE: 07/31/1998

REEL/FRAME: 9456/0461
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BAILEY, STEVEN W.

DOC DATE: 07/28/1998

ASSIGNOR:

AYLING, JUNE E.

DOC DATE: 07/28/1998

ASSIGNEE:

SOUTH ALABAMA MEDICAL SCIENCE
FOUNDATION
POST OFFICE BOX U-1060
MOBILE, ALABAMA 36688

SERIAL NUMBER: 09117586

FILING DATE: 07/31/1998

PATENT NUMBER:

ISSUE DATE:

A/D 581-40

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

09-21-1998



100835602

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JC675 U.S. PTO

09/418649



Conveying Party(ies)



Mark if additional names of conveying parties attached

Name (line 1) Bailey, Steven W.

Execution Date
Month Day Year
07/28/1998

Name (line 2)

Second Party

Name (line 1) Ayling, June E.

Execution Date
Month Day Year
07/28/1998

Name (line 2)

Receiving Party



Mark if additional names of receiving parties attached

Name (line 1) South Alabama Medical Science Foundation

Name (line 2)

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36688

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Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

MRD 7-31-98

Correspondent Name and Address

Area Code and Telephone Number

(716) 262-3640

Name Susan J. Braman

Address (line 1) Jaeckle Fleischmann & Mugel, LLP

Address (line 2) 39 State Street

Address (line 3) Rochester, NY 14614-1310

Address (line 4)

Pages

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Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

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Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT PCTUS9701870

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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

40.00

Method of Payment:
Deposit Account

Enclosed ☐

Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the

Deposit Account Number:

10-0223

Authorization to charge additional fees:

Yes ☒

No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Susan J. Braman

Name of Person Signing

Susan J. Braman
Signature

July 31, 1998
Date

ASSIGNMENT

WHEREAS, We, **Steven W. Bailey**, a citizen of the United States of America, residing at Pharmacology Department, 3130 MSB, College of Medicine, University of South Alabama, Mobile, Alabama 36688, and **June E. Ayling**, a citizen of the United States of America, residing at Pharmacology Department, 3130 MSB, College of Medicine, University of South Alabama, Mobile, Alabama 36688, have invented certain new and useful improvements in **FOOD AND VITAMIN PREPARATIONS CONTAINING THE NATURAL ISOMER OF REDUCED FOLATES** for which we have executed an application for Letters Patent in the United States, the specification of which was filed as PCT International Application Number PCT/US97/01870 on January 31, 1997;

AND WHEREAS, South Alabama Medical Science Foundation, with its principal place of business at Post Office Box U-1060, Mobile, Alabama, 36688, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration including salary or payment for the making of inventions in accordance with the patent policy of the University of South Alabama, College of Medicine, or employee benefits, We, the said inventors, do hereby acknowledge that We have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND We HEREBY covenant and agree that We will communicate to the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional,

continuing and reissue applications, and make all rightful oaths to aid the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, at the expense of said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of July, 1998.

Steven W. Bailey
Steven W. Bailey

STATE OF ALABAMA
COUNTY OF MOBILE SS:

This 28th day of JULY, 1998, before me personally came the above-named **Steven W. Bailey**, to me personally known as the individual who executed the same of his own free will for the purposes therein set forth.

Judi Maylor
Notary Public
My Commission Expires July 30, 2000

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of July, 1998.

June E. Ayling
June E. Ayling

STATE OF ALABAMA
COUNTY OF MOBILE SS:

This 28 day of July, 1998, before me personally came the above-named **June E. Ayling**, to me personally known as the individual who executed the same of her own free will for the purposes therein set forth.

Judi Maylor
Notary Public
My Commission Expires July 30, 2000